

SERVICE DATE - JULY 31, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 621X)

CSX TRANSPORTATION, INC.–ABANDONMENT  
EXEMPTION–IN MARION COUNTY, IN

Decided: July 24, 2003

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.61-mile portion of its Sequoia Supply Industrial Track extending from milepost BD-127.190, at the east side of Holmes Street (marked on the ground as milepost BD-126.9), to milepost BD-127.80 (end of track), in Indianapolis, Marion County, IN.<sup>1</sup> By decision served July 16, 2002, the proceeding was reopened and the Indiana Trails Fund, Inc. (ITF) was authorized to negotiate an interim trail use/banking agreement with CSXT, pursuant to section 8(d) of the National Trails System Act 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was scheduled to expire on March 2, 2003, but was extended to September 2, 2003, by decision served February 28, 2003.

On July 7, 2003, CSXT filed a request for an extension of the negotiating period until March 2, 2004. CSXT states that it and ITF are unable to finalize a trail agreement by September 2, 2003.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>2</sup> An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the Trails Act. According, the negotiating period will be extended to March 2, 2004.<sup>3</sup>

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register in August 2, 2002 (67 FR 50507-08).

<sup>2</sup> See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

<sup>3</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company–Abandonment Exemption–In Jackson, Victoria and Wharton Counties, TX, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to March 2, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary